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LOK SABHA

The following Bills were introduced in Lok Sabha on the 7th March, 1958:

*BILL No. 19 OF 1958

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58 for the purposes of Railways.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows :—

1. This Act may be called the Appropriation (Railways) Act, 1958. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Forty-five crores, four lakhs and ten thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1957-58, in respect of the services relating to railways specified in column 2 of the Schedule. Issue of Rs. 45,04,10,000 out of the Consolidated Fund of India for the financial year 1957-58.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction and consideration of the Bill.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		4 Total	5
		Voted by Parliament	Charged on the Consolidated Fund		
		Rs.	Rs.	Rs.	
1	Railway Board	7,79,000	..	7,79,000	
2	Miscellaneous Expenditure .	1,000	..	[1,000	
4	Working Expenses—Administra- tion.	1,03,91,000	..	1,03,91,000	
5	Working Expenses—Repairs and Maintenance.	6,75,28,000	5,66,000	6,80,94,000	15
6	Working Expenses—Operation Staff.	2,19,87,000	..	2,19,87,000	
7	Working Expenses—Operating (Fuel).	3,09,61,000	..	3,09,61,000	20
8	Working Expenses—Operation other than Staff and Fuel.	1,19,82,000	..	1,19,82,000	
9	Working Expenses—Miscella- neous Expenses.	2,12,55,000	..	2,12,55,000	
10	Working Expenses—Labour Welfare.	19,58,000	..	19,58,000	25
12	Dividend payable to General Revenues.	45,46,000	..	45,46,000	
13	Open Line Works (Revenue) Labour Welfare.	41,67,000	..	41,67,000	30
15	Construction of New Lines— Capital and Depreciation Reserve Fund.	2,20,43,000	..	2,20,43,000	
16	Open Line Works—Additions.	10,60,37,000	5,000	10,60,42,000	
17	Open Line Works—Replacements	14,62,04,000	..	14,62,04,000	35
	TOTAL .	44,98,39,000	5,71,000	45,04,10,000	

STATEMENT OF OBJECTS AND REASONS

The Bill is introduced in pursuance of article 114(1) of the Constitution of India read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government on Railways for the financial year 1957-58.

NEW DELHI;

JAGJIVAN RAM

The 4th March, 1958.

BILL No. 1 OF 1958

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 19

Amend-
ment of
section
342. 2. In sub-section (2) of section 342 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), the words "or by giving false answers to them" shall be omitted. 5 v of

Amend-
ment of
section
562. 3. In sub-section (1) of section 562 of the principal Act, after the words "antecedents of the offender", the words "and the offender making a completely true statement without concealing anything" shall be inserted. 10

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to eliminate perjury from law courts and to encourage amongst the litigant public the habit of speaking the truth. A statutory guarantee to the accused for making a false statement as provided for in section 342 of the Code of Criminal Procedure, 1898 is repugnant to modern notions of jurisprudence and should be deleted. Similarly amongst the extenuating circumstances which the court may take into consideration at the time of applying provisions of section 562 of the Code of Criminal Procedure, 1898, it may also be considered if the offender has made a clean breast of things concealing nothing.

The Bill is intended to achieve the object by amending sections 342 and 562 of the Code of Criminal Procedure, 1898 in the manner indicated above.

NEW DELHI;

RAGHUBIR SAHAI

The 23rd January, 1958.

BILL No. 5 OF 1958

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 195 .

(2) It extends to the whole of India except the State of Jammu and Kashmir. 5

(3) It shall come into force on such date as the President may, by notification in the Official Gazette, appoint in this behalf.

Omission of
section 87B.

2. Section 87B of the Code of Civil Procedure, 1908, shall be V of 1908.
omitted.

STATEMENT OF OBJECTS AND REASONS

Before the attainment of Independence there were in India a large number of States. The rulers of these States were given immunity from civil proceedings in Indian Courts and they were treated on the same basis as aliens or foreign rulers.

The Code of Civil Procedure as it stood before the independence contained provisions for this purpose in Sections 83 to 87, under the heading "Suits by Aliens and by or against Foreign Rulers and Rulers of Indian States".

Subsequently the Code of Civil Procedure (Amendment) Act (II of 1951) was passed and the former Sections 83 to 87 were substituted by Section 12 of that Act as the present Sections 83 to 87B. By this amendment Aliens, Foreign Rulers, Ambassadors and Envoys were put in one category and provisions in respect of them were embodied in the new Sections 83 to 87A and these Sections were placed under the heading "Suits by Aliens and by or against Foreign Rulers, Ambassadors and Envoys".

Rulers of former Indian States were put under a different category and provisions in respect of them were made in the new Section 87B. By this Section 87B the provisions of the new Section 85 and sub-sections 1 and 3 of Section 86 were made applicable to the former rulers of Indian States as if they were Rulers of Foreign States.

All these rulers of former Indian States enjoy large private properties and some of them carry on business. They are in full enjoyment of the rights and privileges of a citizen and they must be subjected to the liabilities and duties of a citizen. Equality before law being one of the fundamental principles of our Constitution this special immunity from the processes of the civil law of the land is not warranted. This Bill is intended to remove this anomaly by deleting Section 87B and placing the rulers of former Indian States on a par with the rest of the citizens of India before the civil law of the land.

NEW DELHI;
The 31st January, 1958.

M. L. DWIVEDI.

BILL NO. 6 OF 1958

A Bill to provide for the taking over for a limited period by the State of the management of Light Railways in the country with a view to improve their working and ensure a reasonable standard of comfort and convenience to the passengers using them.

Be it enacted by the Parliament in the Ninth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Management of Light Railways (Taking over by the State) Act, 19 .

(2) It shall come into force atonce.

5

Taking the
management
of Light
Railways by
State.

2. The State shall take over for ten years the management of all Light Railways in the country to improve the working of these Railways along the general lines followed by the State Railways.

STATEMENT OF OBJECTS AND REASONS

The management of Light Railways in the country has been so bad that the areas and the passengers served by them have been consistently put to great inconvenience and difficulties. It is therefore, necessary in the public interest and to secure the proper management of these railways that the State should intervene and take over their management for a limited period of ten years under Article 31A of the Constitution of India without paying any compensation therefor. Hence this Bill.

NEW DELHI;

JHULAN SINHA.

The 31st January, 1958.

BILL NO. 9 OF 1958

A Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1954.

(2) It shall come into force at once.

5

Amendment
of section 6.

2. In section 6 of the Salaries and Allowances of Members of Parliament Act, 1954,—

30 of 1954.

(1) for the heading "Free transit by Railway", the heading "Free transit" shall be substituted; and

(2) after the words "at any time," the words "and with 10 one free non-transferable airway pass which shall entitle him to travel by Indian Airlines Corporation Services in India at any time from his constituency to Delhi and back" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

India is a vast country. Quite a large number of Members of Parliament come to Delhi to attend sessions of Parliament from distances of more than one thousand miles. It takes three to five days for the Members travelling by the fastest train over the shortest route to reach Delhi from their constituencies in journey one way. Ordinarily such Members have to spend from one to two full months in the train itself on account of their journeys to and fro. It would be much more for such members who perform the intermediate journeys as well.

2. Parliament meets for about 8 to 9 months in the year. As matters now stand, such Members coming from these long distances are cut off from their constituencies for long periods. If facility of free travel by Air is given to members, it would not only result in great convenience to members and in a saving of time spent by them in the journeys, but would also result in greater efficiency in the discharge of their duties in Parliament.

3. In fact, in every country in the world where nationalised Airways exist, members of Parliament are allowed the facility of free travel in the highest class of all communications available in the country.

4. In our country both Airways and Railways are nationalised. Therefore, there should be no difficulty whatsoever in giving effect to the provisions of this Bill.

5. Ours is a welfare state and the welfare of the members and an efficient discharge of their duties imperatively demand this facility of free lift in the airways at least between their home constituency and Delhi.

Hence this Bill.

NEW DELHI;
The 7th February, 1958.

N. KESHAVA.

FINANCIAL MEMORANDUM

Under clause 2 of the Bill Members of Parliament who are already entitled to free travel by Railways throughout India, will also be entitled to free travel by Airways from the home constituency of the member to Delhi and back. This facility will be availed of by a very limited number of members coming from long distances which are connected by Airways. It is, however, not possible at this stage to estimate the actual expenditure which is likely to be incurred but in any case it is not likely to be substantial. Even now the members are provided with the payment of air fare during sessions. A very negligible amount of additional expenditure is therefore involved.

M. N. KAUL,
Secretary.